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ANNUAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1953 to June 30, 1954

ELLERY E. CUFF

PUBLIC DEFENDER

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REPORT OF THE PUBLIC DEFENDER

July 1, 1953 to June 30, 1954

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To dispel any confusion which may arise in interpreting this report, it is believed a very brief outline of the duties and limitations of the Public Defender should be included, as well as a word relating to the organization of the office.

JURISDICTION:

The County Charter, under which the office of Public Defender was created, provides:

"Sec. 23. Upon request by the defendant or upon order of the court, the Public Defender shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged, in the Superior Court, with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such person, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to the higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

"He shall also, upon request, prosecute actions for the collection of wages and of other demands of

persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed $100 and in which, in the judgment of the Public Defender the claims urged are valid and enforceable in the courts."

The charter further provides:

"Sec. 25. Each county or township officer, Board or Commission shall have the powers and perform the duties now or hereafter prescribed by general law, and by this Charter, as to such officer, Board or Commission."

Hence, although the Los Angeles County Public Defender is a creation of the County Charter, this section comprehends the general laws of the State as adding to or increasing the powers and duties of the office.

Powers and Duties Added by State Law:

In 1943 the State enacted a law creating a "Procedure for restoration of rights and application for pardon" after a convicted person had served his term of imprisonment. This is commonly referred to as the "Rehabilitation Act," and it prescribes in detail the conditions and circumstances to be followed by those desiring to avail themselves of the benefits. The act also provides that the applicant, if he has no counsel, shall be represented by the Public Defender.

In 1949 the State Legislature amended the Government Code in defining the duties of the Public Defender by requiring the Public Defender to represent persons having no attorney or the financial means of employing one, who

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are charged with the commission of any contempt or offense triable in the Superior Court at all stages of the proceedings, including the preliminary examination. (Gov. Code, sec. 27706.)

At the extra session of the Legislature in 1952 the sexual psychopath laws were amended to the extent that if an alleged sex psychopath appearing at his hearing "has no attorney, the judge may appoint an attorney for him, or the judge may order the public defender to represent him at the hearing, if he determines that the person is not financially able to employ counsel." (H. & S. Code, sec. 5511.)

PERSONNEL:

The office, at the start of the fiscal year, embraced the Public Defender, Chief Deputy and twenty Deputy Public Defenders. An upward surge in case load necessitated some increase and two more deputies were added (by resolution) before the year was ended. All are attorneys. All but three of the deputies are assigned to the handling of criminal cases. The three otherwise assigned devote their full time to matters embraced within the civil jurisdiction of the office.

The office has an investigation staff of four - one Lieutenant and three Investigators. The clerical staff consists of one Secretary, one Intermediate Secretary, three Legal Secretaries, one Intermediate Stenographer and one Stenographer.

LOCATION:

The main office of the Public Defender is located in the Hall of Records, in the Civil Center of Los Angeles. A number of years ago a branch office was opened to serve the departments of the Superior Court in Long Beach. The Long Beach office is staffed with two Deputy Public Defenders and one Legal Secretary. The criminal departments of the Superior Court functioning in Pasadena, Pomona and Santa Monica are served by deputies working out of the main office.

DUTIES:

The work as it relates to the criminal phase - preliminary examinations, arraignments, pleas, trials, probationary hearings, violation of probation hearings and modifications of probation, appeals, etc., are embraced in this category - seems to be pretty well known. In the matter of appeals the office has always kept in mind the rule, as aptly stated in an expression of one of our appellate courts:

"It is the duty of every member of the legal profession to go carefully over the record before perfecting an appeal. If it is evident that a conflict in the evidence has been resolved by the trier of fact and that there has been no error of law, it is then the lawyer's duty to advise his client of the hopelessness of such an appeal. Litigants should never be put to the expense, and courts and counsel to the waste of

time and effort involved in such cases." (People v. Bates, 126 A.C.A. 164.)

But, on the other hand, if after a careful study of the case and the record thereof it appears reasonable to expect a reversal or modification may result, the case is appealed without hesitation. However, it may be noted that not many appeals are taken, considering the number of cases tried.

As to the functions of the office in the civil division, this is the less spectacular phase of the work but none the less it is important both from the viewpoint as to the rights of the individual involved and indirectly as it affects county government expenditures. The greater portion of accepted cases involve the release of wages from attachment. Releasing the wages, which may be wrongfully attached, of the head of a family otherwise destitute helps the family and frequently keeps them from being forced to apply for assistance at the county charities department or some other charitable institution, but mostly county.

The office exercises extreme care that none but those properly eligible for legal assistance are accepted. The number of such cases is reflected elsewhere in this report. Even with good times and plenty of employment there are those unfortunates, the unwise and those who at the time indebtedness was incurred were reasonably solvent financially but subsequent reverses of one sort or another, death to some member of the family, illness, injuries, and

the like, have altered their ability to carry their full measure of financial commitments and they ultimately find themselves defendants in law suits. And, of course, there are the improvident who buy beyond their means. These are exploited and imposed upon by overzealous vendors who by use of extravagant statements and luring enticements get them to sign contracts calling for payments far beyond their abilities to pay, but not at all understood by the individual. And many are the misery who sign contracts to get out of one bad situation only to learn to their consternation that they are in deeper financial mires than before. No small number are victims of the most palpable frauds. Any or all of these usually have families dependent entirely for their daily food and shelter upon their weekly earnings. These are the type of cases handled by the office, either by way of taking some immediate action to ameliorate their condition or giving them appropriate advice as sound judgment may dictate.

Investigators:

The work of the investigation staff is confined almost exclusively to the criminal jurisdiction of the office. The Investigators' duties are comparable to those of investigators in any private law office or the District Attorney's office - locating witnesses and making field investigations of cases assigned to them by trial deputies in the department. The policy of the office is to investigate thoroughly and ascertain the true facts, regardless of whether it proves favorable or unfavorable to the accused. This phase of the

work of the office has resulted in substantial economies which are reflected and measured by the number of dismissals noted, in many of which unimpeachable evidence was discovered showing the complete innocence of the defendants although at first the evidence appeared strong against them. On the other hand, the facts brought to light by the same type of investigation has been instrumental in bringing about a substantial number of pleas of guilty in proper cases.

By such careful investigation the chance of miscarriage of justice is reduced to a minimum, equitable dispositions of many cases are summarily adjusted which otherwise would have had to be tried, and in almost every trial in which there has been an investigation the duration of the trial is shortened by reason of the fact that the trial deputy is fully advised as to the evidence to be presented and is able to present it expeditiously. While substantial savings are effected in trial costs, great care is exercised that the rights of an accused person are in no manner sacrificed.

In the following statistical data it will be noticed the term "Master Calendar Department" is used. To avoid confusion, this term perhaps merits a brief explanation. In the central Los Angeles area there are eight Superior Court departments devoted to handling criminal work exclusively. (This does not include the outlying branch courts.) One of these courts is designated the "Master Calendar" and all arraignments of felony cases first appear here. If on arraignment the defendant pleads guilty, the matter will be handled through to termination in the Master Calendar. If, on the other hand, the defendant pleads not guilty, the case is transferred to one of the other seven departments, which are designated "Trial Departments."

The areas served by branch courts, Long Beach, Santa Monica and Pasadena where more than one department is in operation, a similar setup prevails, i.e., all arraignments initially appear in a Master Calendar Department in their respective areas.

COMPOSITE STATISTICAL RECORD
OF CRIMINAL WORK OF OFFICE
July 1, 1953 to June 30, 1954

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NUMBER OF NEW CASES RECEIVED (excluding preliminary hearings):			
Los Angeles:			
Felonies	4,207		
Contributing	94		
Pasadena	284		
Pomona	176		
Santa Monica	286		
Long Beach	403	5,454	
VIOLATIONS OF PROBATION:			
Los Angeles	341		
Pasadena	31		
Pomona	52		
Santa Monica	28		
Long Beach	43	495	
CIVIL INSANITY WITH JURY TRIAL:		67	
MOTIONS TO MODIFY PROBATION:			
Los Angeles	6		
Pasadena	2		
Pomona	6		
Santa Monica	1		
Long Beach	3	18	
PRELIMINARY HEARINGS:		2,059	
SEX PSYCHOPATHIC HEARINGS (All courts):		104	
PRESENT INSANITY HEARINGS (arising from criminal charges) (All courts):		17	
MISCELLANEOUS:			
Habeas corpus, contempts, juvenile petitions, etc. (All courts):		54	8,268

* * * *

REHABILITATION PROCEEDINGS:		
Rehabilitation proceedings initiated	40	
Hearings on rehabilitation petitions	11	
Certificates of good character granted	11	
Certificates of good character denied without prejudice	-	62
UNFINISHED CASES:		
Pending 7-1-53 and finished during current year (All courts)		597
UNFINISHED CASES:		
Pending 6-30-54 (All courts)		751
APPEALS		5

SUMMARY OF DISPOSITIONS OF CRIMINAL CASES

July 1, 1953 to June 30, 1954

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MASTER CALENDAR DISPOSITIONS:		
Pleaded guilty	2530	
(Substituted out after plea - 11)		
Substituted out before plea	174	
Dismissed	122	
Transferred to Juvenile Court	35	
Placed off calendar because:		
Presently insane	8	
Civil insanity petition filed	5	
Defendants unavailable - bench warrants issued	2	
Miscellaneous reasons	4	2,880
TRIAL COURT DISPOSITIONS (no trial):		
Pleaded guilty	907	
(Substituted out after plea - 12)		
Substituted out (private attorney procured or in pro. per.)	295	
Dismissed	136	
Transferred to Juvenile Court	5	
Off calendar because:		
Presently insane	8	
Civil insanity petition filed	1	
Defendants unavailable - bench warrants issued	5	
Miscellaneous reasons	3	1,360
TRIAL BY JURY - TO VERDICT (jury cases):		181
TRIAL BY COURT - TO DECISION (without jury):		725

SUMMARY OF DISPOSITIONS OF CRIMINAL CASES
(continued)

VIOLATIONS OF PROBATION	488	
Placed off calendar - defendant not available for hearing and bench warrant issued	3	491
PRELIMINARY HEARINGS:		
Held to answer	1,526	
Transferred to Juvenile Court	3	
Pleaded guilty to misdemeanor	146	
Dismissed or otherwise disposed of	75	
Substitutions	310	2,060
CONTRIBUTING TO DELINQUENCY OF MINOR CASES:		
Pleaded guilty	57	
Dismissed or placed off calendar	13	
Substituted out	14	
Transferred to Juvenile Court	1	
Trials by court - no jury	8	
Trials by jury	2	95
MISCELLANEOUS:		
Petitions to modify probation:		
Granted	14	
Denied	5	19
Youth Authority petitions to dismiss:		
Granted	8	
Denied	-	8
Insanity proceedings certified from Municipal Court		17
Sex psycho. original hearings		75
Sex psychopathics returned from State Hospital for sentence or other disposition		33
Habeas corpus, writs of mandate, prohibition, parole hearings, etc.		20

CIVIL JURISDICTION

July 1, 1953 to June 30, 1954

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Applications in which advice was given:		
Los Angeles	6,297	
Long Beach	421	6,718
Applications rejected:		
Refused:		
Los Angeles	207	
Long Beach	102	309
Referred to attorneys:		
Los Angeles	2,254	
Long Beach	31	2,285
*Applications referred to other agencies and unclassified:		
Los Angeles	5,578	
Long Beach	350	5,928
Accepted cases (see next table):		
Los Angeles	4,164	
Long Beach	677	4,841
*Because the subject matter was not within the office jurisdiction (example - real property) or applicant able to pay a fee.		20,081

DETAIL OF ACCEPTED CASES

Illegal attachments - garnishments:		
Los Angeles	3,385	
Long Beach	618	4,003
Guardianships:		
Los Angeles	198	
Long Beach	1	199
Persecutions - other than exemptions and invalid assignments:		
Los Angeles	335	
Long Beach	53	388
Wage claims and miscellaneous:		
Los Angeles	118	
Long Beach	5	123
Waivers of premarital test:		
Los Angeles	193	
Long Beach	-	193
		4,906

CIVIL JURISDICTION
(continued)

RECOVERED FOR CLIENTS

Wages released from illegal attachments - garnishments:		
Los Angeles	$192,368.71	
Long Beach	34,811.21	$227,179.92
Defense in civil cases:		
Los Angeles	12,021.15	
Long Beach	-	12,021.15
Miscellaneous items:		
Los Angeles	3,443.59	
Long Beach	-	3,443.59
Collected on cases pending 7-1-53		7,373.30
Total collected 7-1-53 to 6-30-54		$249,723.96

Total appearances in court on civil cases:		
Los Angeles	1,013	
Long Beach	19	1,032

REPORT OF BUREAU OF INVESTIGATION

July 1, 1953 to June 30, 1954

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Criminal cases handled	2,114
Civil cases handled	37
	2,151
*Defendants represented, criminal	2,245
Persons interviewed in field	7,862
Persons subpoenaed at interview	649

*A case sometimes involves more than one defendant.

CHARGES INVESTIGATED

July 1, 1953 to June 30, 1954

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Robbery	214	286 P.C.	3
Att. Robbery	24	Forgery	226
Murder	32	CURF	175
Att. Murder	4	Narcotics	278
Grand Theft	90	Escape	36
Grand Theft/Person	39	Receiving Stolen Property	8
Att. Grand Theft	3	ADW/Murder	17
Grant Theft/ 503 V.C.	196	521 V.C.	20
Petty Theft	29	480 V.C.	11
Burglary	364	503 V.C.	9
Att. Burglary	10	504a V.C.	1
Burglary/Grand Theft	25	Bookmaking	5
Burg./Grand Theft/503 V.C.	4	Child Stealing	3
Manslaughter	6	Arson	8
Assault Deadly Weapon	90	Pimping	2
Assault/Force	7	Conspiracy	4
Assault/GBI	21	Extortion	1
Assault/Rape	9	246 P.C.	1
Rape	78	Violation Probation	2
Att. Rape	1	Bigamy	2
288 and 288a P.C.	85	Perjury	5
Contrib. to Del. Minor	5	244 P.C.	2
Incest	4	Deadly Weapons Control Law	29
Kidnap	14	273d P.C.	10
Kidnap/Robbery	13	Civil Insanity	36
Failure to Provide	1	Miscellaneous	13
Abortion	1	Civil	37

TOTAL CHARGES INVESTIGATED 2,400

FINANCIAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

MONEYS RECEIVED

Total amount of moneys collected and received for and on behalf of the persons represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented:	$965.57

No moneys belonging to the County of Los Angeles were collected.

MONEYS EXPENDED

Total salaries		$236,695.02
Total Outlay Expenditures:		
Books	$157.09	
Furniture & Furnishings	171.35	328.44
Total Maintenance & Operation		7,670.08
		$244,693.54

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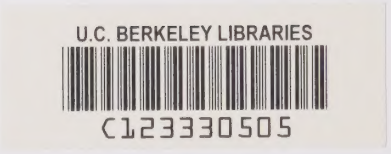

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